

CORRECTED ORDER ISSUED: March 7, 2013

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

WENDY W. GHANNAM,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2013-3050

Petition for review from the Merit Systems Protection Board in case no. DC0841120179-I-1.

ON MOTION

O R D E R

The Office of Personnel Management moves to recapitulation to designate the Merit Systems Protection Board (“Board”) as the respondent.

Pursuant to 5 U.S.C. § 7703(a)(2), the Board is designated as the respondent when the Board's decision concerns the procedure or jurisdiction of the Board. The employing agency is designated as the respondent when the

2

WENDY GHANNAM v. MSPB

Board reaches the merits of the underlying case. Here, the Board dismissed Wendy Ghannam's petition for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

The motion is granted. The revised official caption is reflected above. The respondent should calculate its brief due date from the date of filing of this order.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk

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